

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

**HOPPE, HARNER, VOGT
& BARROWS LLP, a Nebraska
Limited Liability Partnership,**

Plaintiff,

VS.

**UNITED STATES DEPARTMENT OF
HOUSING AND URBAN DEVELOPMENT**
and **STEVEN PRESTON**, in his official
capacity as Secretary of the United
States Department of Housing and
Urban Development,

Defendants.

4:08CV3059

ORDER

This matter is before the court sua sponte.

On August 8, 2008, the plaintiff filed Plaintiff's Amended Complaint for Declaratory and Injunctive Relief ([Filing No. 18](#)).¹ The plaintiff did not file the amended complaint with leave of court, stipulation of the defendants or otherwise in compliance with the local or federal rules governing such procedure. **See** [Fed. R. Civ. P. 15](#); [NECivR 15.1](#). Further, it appears the plaintiff filed the amended complaint solely to substitute the name of the defendant. Formerly, Alphonso Jackson was named in his official capacity as the Secretary of the United States Department of Housing and Urban Development. **See** [Filing No. 1](#). On June 30, 2008, the defendants filed an answer noting Steven Preston is the current Secretary of HUD. **See** [Filing No. 13 at n.1](#). The defendants also noted Mr. Preston was then substituted for Mr. Jackson as a defendant pursuant to [Federal Rule of Civil Procedure 25\(d\)](#). Because an official's successor is automatically substituted as a party under the rule, no additional pleadings or court action was necessary. Accordingly,

¹ As a convenience, this document contains certain cross-document hyperlinks to documents previously filed in this case. This document also contains links to the Nebraska local rules the Federal Rules. The hyperlinked documents appear in blue underlined text. Except with regard to the local rules, access to the hyperlinked material is subject to fees pursuant to user agreements. The hyperlinks may be accessed without PACER fees by use of the public computer terminal in the Clerk's office.

the plaintiff's amended complaint will be stricken and the defendants need not file a response. Upon consideration,

IT IS ORDERED:

The Clerk of Court shall strike Plaintiff's Amended Complaint for Declaratory and Injunctive Relief ([Filing No. 18](#)) from the record in this case.

DATED this 6th day of August, 2008.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge